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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,696	08/20/2001	Khoi Nhu Hoang	60595-301001	7296

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EXAMINER
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GREENE, DANIEL L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/933,696

Applicant(s)

HOANG, KHOI NHU

Examiner

Daniel L. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date various.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al. US 6,658,568 B1 [Ginter].

As per claims 1, 11 and 21:

Ginter discloses:

providing at least one DOD service to at least one client, wherein said at least one DOD service is stored for future access; for example Fig. 1B, **154**, Col. 17, lines 1-67, and

providing at least one associated expiration information packet corresponding to said at least one DOD service to said at least one client, wherein said at least one associated expiration information packet indicates a first predetermined time after which said at DOD service may no longer be accessed. For example Col. 84, lines 4-53, Col. 90, lines 48-67, Col. 105, lines 25-45, Col. 116, lines 46-62, Col. 129, lines 46-55.

Ginter does not expressly show a first predetermined time after which said DOD service may no longer be accessed. Ginter does disclose the use of expiration dates and times for access to the information. For example Col. 79, lines 1-11.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The restriction of access to the DOD service would occur when the time restriction is in place regardless of what it is called be it the first, second, etc. predetermined time. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a predetermined time for controlling access to data and identify it any way they chose be it first, second, etc., because such modifiers do not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per claims 2 and 22:

Ginter further discloses:

wherein said at least one associated expiration information packet is provided to said at least one client via a transmission medium. For example Col. 84, lines 5-18.

As per claim 3:

Ginter further discloses:

wherein said at least one associated expiration information packet is stored. For example Col. 107, lines 15-26.

As per claim 4:

Ginter further discloses:

wherein said at least one DOD service is stored with said at least one associated expiration information packet such that said stored at least one DOD service and said at least one associated expiration information packet may be accessed by said at least one client. For example Col. 19, lines 1-40.

As per claim 5:

Ginter further discloses:

wherein said at least one DOD service is stored on at least one DOD receiver for future access by said at least one client, and further wherein said at least one DOD receiver is operative to access said stored at least one DOD service. For example Col. 19, lines 28-40.

As per claims 6 and 27:

Ginter further discloses:

wherein said first predetermined time is exceeded, said DOD receiver is operative to deny access to said stored at least one DOD service. For example Col. 29, lines 25-45.

As per claims 7, 15 and 25:

Ginter further discloses:

further comprising providing at least one associated copy protection information packet corresponding to said at least one DOD service, wherein said at least one associated copy protection information packet indicates a second predetermined time after which copying of said at least one DOD service is inhibited. For example Col. 18, lines 5-15, Col. 29, lines 29-45.

Ginter does not expressly show a second predetermined time after which copying of said at least one DOD service is inhibited. However, Ginter does disclose the use of expiration dates and times for access to the information. For example Col. 79, lines 1-11.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The restriction of access to the DOD service would occur when the time restriction is in place regardless of what it is called be it the first, second, etc. predetermined time. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a predetermined time for controlling access to data and identify it any way they chose be it first, second, etc., because such modifiers

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do not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per claims 8 and 16:

Ginter further discloses:

wherein said at least one DOD service and said at least one associated copy protection information packet is stored on a DOD receiver operative to access said stored at least one DOD service. For example Col. 18, lines 5-15, Col. 29, lines 29-45.

As per claims 9 and 18:

Ginter further discloses:

wherein said second predetermined time is exceeded, said DOD receiver is operative to copy protect said stored at least one DOD service. For example Col. 18, lines 5-15, Col. 29, lines 29-45.

As per claim 10:

Ginter further discloses:

wherein said DOD receiver is operative to access said at least one DOD service, and further operative to selectively inhibit copying of said at least one DOD service. For example Col. 19, lines 1-45.

As per claim 12:

Ginter further discloses:

wherein said at least one associated expiration information packet is received from an electronic program guide. For example Col. 105, lines 25-67, Col. 108, lines 55-67.

As per claim 13:

Ginter further discloses:

wherein said storing at least a portion of said at least one DOD service includes storing said at least a portion of said at least one DOD service on a set-top-box (STB) having an internal storage medium, wherein said STB is operative to access at least a portion of said stored DOD service from said internal storage medium. For example Col. 119, lines 12-18.

As per claim 14:

Ginter further discloses:

wherein said at least one DOD service is received via a transmission medium.  
For example Fig. 1B, **110, 112.**



Claims 17 and 28 are rejected under 35 U.S.C. 103 as being unpatentable over Ginter. Ginter teaches all of the elements claimed with the exception of further comprising the act of receiving at least one associated copy protection information packet corresponding to said at least one DOD service, and wherein at least a portion of said at least one DOD service is stored on a DOD receiver operative to degrade copying of said at least one DOD service in response to said copy protection information packet.

The examiner takes Official Notice that further comprising the act of receiving at least one associated copy protection information packet corresponding to said at least one DOD service, and wherein at least a portion of said at least one DOD service is stored on a DOD receiver operative to degrade copying of said at least one DOD service in response to said copy protection information packet.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of further comprising the act of receiving at least one associated copy protection information packet corresponding to said at least one DOD service, and wherein at least a portion of said at least one DOD service is stored on a DOD receiver operative to degrade copying of said at least one DOD service in response to said copy protection information packet, because the skilled artisan would have recognized that this business practice of degrading copying of data after the rights to copy has been exceeded is well known and is clearly applicable to further comprising the act of receiving at least one associated copy protection information packet corresponding to said at least one DOD service, and wherein at least a portion of

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said at least one DOD service is stored on a DOD receiver operative to degrade copying of said at least one DOD service in response to said copy protection information packet. These advantages are well known to those skilled in the art.

As per claims 19 and 29:

Ginter discloses:

wherein said DOD receiver is a set-top-box (STB). For example Col. 21, lines 33-37.

As per claim 20:

Ginter further discloses:

wherein said DOD receiver includes a visual display apparatus operative to display at least a portion of said at least one DOD service. For example Fig. 1B, **102a**

As per claim 23:

Ginter further discloses:

wherein said transmission medium includes electromagnetic signals in the general range of radio and television broadcasts. Fig. 1B, **110, 112.**

As per claims 24 and 26:

Ginter discloses the claimed invention, as discussed above, except for the step of wherein said transmission medium includes a fiber optic network or the Internet. It

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would have been an obvious matter to modify the teachings of Ginter, to provide the step of wherein said transmission medium includes a fiber optic network or the Internet. Since the applicant has not disclosed that wherein said transmission medium includes a fiber optic network or the Internet solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Ginter will perform the invention as claimed by the applicant with any means, method, or product to wherein said transmission medium includes a fiber optic network or the Internet.

As per claim 30:

Ginter further discloses:

wherein said DOD receiver includes a visual display apparatus operative to display at least a portion of said at least one DOD service. For example Fig. 1B, **102**.

As per claim 31:

Ginter discloses the claimed invention except for the description of the use of a data bus, CPU and bi-directionally coupled components. Ginter does disclose the use of a computer, i.e. USER ELECTRONIC APPLIANCE **124**, Fig. 2A. It would have been obvious to one having ordinary skill in the art at the time of the invention was made that when using an Electronic Appliance such as a computer, the computer uses data buses, bi-directionally coupled components (input/output) and CPU's since it is known in

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the art that for a computer to operate, a CPU, bi-directionally coupled components and data bus is standard operating equipment.

Ginter further discloses:

a first communication device suitable for coupling to a digital broadcast communications medium, said first communication device operable to receive digital broadcast data, wherein said digital broadcast data includes at least one DOD service;

For example Fig. 1B

memory bi-directionally coupled to said data bus, said memory including computer executable instructions for:

a) reading at least a portion of said digital broadcast data, said digital broadcast data including expiration information associated with said DOD service; For example Col. 29, lines 25-45.

b) determining whether said received DOD service is expired based on said expiration information; For example Col. 29, lines 25-45; and

c) when said DOD service is expired, preventing access to said DOD service; a digital data decoder bi-directionally coupled to said data bus; For example Col. 29, lines 25-45.

a central processing unit (CPU) bi-directionally coupled to said data bus, said CPU implementing a STB control process controlling said memory, said first communications device and said digital decoder, said STB control process operable to process digital data received at said first communications device. For example Col. 29, lines 25-45.

As per claim 32:

Ginter discloses the claimed invention except for the description of wherein said memory includes transient random access memory (RAM) and a persistent storage device, and said computer executable instructions are stored on said persistent storage device. Ginter does disclose the use of a computer, i.e. USER ELECTRONIC APPLIANCE 124, Fig. 2A. It would have been obvious to one having ordinary skill in the art at the time of the invention was made that when using an Electronic Appliance such as a computer, the computer uses wherein said memory includes transient random access memory (RAM) and a persistent storage device, and said computer executable instructions are stored on said persistent storage device since it is known in the art that for a computer to operate, it has memory that includes transient random access memory (RAM) and a persistent storage device, and said computer executable instructions are stored on said persistent storage device

As per claim 34:

Ginter further discloses:

wherein said digital broadcast data further includes copy information protection. For example Col. 84, lines 5-18.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are

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applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

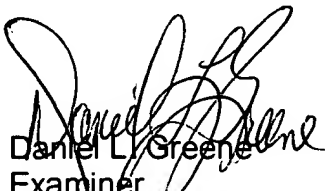
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

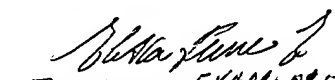
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/13/2006



Daniel L. Greene  
Examiner  
Art Unit 3621



PRIMARY EXAMINER